REMARKS

Applicants have amended the independent claims to recite features disclosed at least in applicants' Figs. 1 and 2 and at paragraphs [0042] – [0056] of applicants' specification. No new matter has been added.

Claims 1, 3-6, 11, 12, 15, and 17-20 stand rejected under 35 U.S.C. § 103(a) over Ueda (U.S. Patent No. 6,538,764) and Hino (U.S. Patent No. 7,268,902). Applicants respectfully traverse this rejection. Neither Ueda nor Hino, alone or in combination, discloses or suggests the features recited in applicants' claim 1.

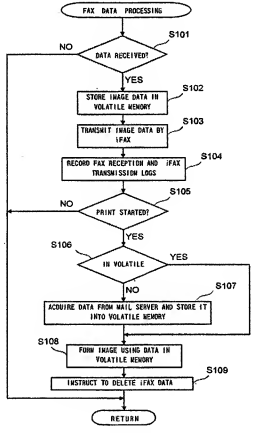
Applicants' claim 17 recites:

> An image processing step for executing the image processing using the image data stored in the storage unit if the judgment unit judges positively, and executing the image processing using the image data acquired by the second data acquiring step if the judgment step judges negatively. An image processing method for use in an image processing apparatus that is operable to transmit and receive data to/from an external apparatus that has a storage apparatus, the image processing method comprising:
>
> a first data acquiring step for acquiring image data to be subjected to image processing;
>
> a storage step for storing the acquired image data in a storage unit;
>
> a transmission step for transmitting the acquired image data to the external apparatus so that the ~~transmitted~~ acquired image data is stored in both the storage apparatus ~~while~~ and the storage unit ~~stores the acquired image data~~;
>
> a judgment step for judging, prior to commencement of the image processing, whether the image data is stored in the storage unit;
>
> a second data acquiring step for acquiring the image data from the external apparatus if the judgment unit judges negatively; and
>
> an image processing step for executing the image processing using the image data stored in the storage unit if the judgment unit judges positively, and executing the image processing using the image data acquired by the second data acquiring step if the judgment step judges negatively.

Applicants' Fig. 2 (reproduced below) is a flow chart depicting a method according to an exemplary embodiment of the method of claim 1. As described in paragraphs [0042] – [0056] of applicants'

specification, the claimed method is capable of allowing image data to be printed by an MFP following a loss of data at the MFPs local storage unit without requiring all received image data to be stored in a local non-volatile storage unit.

Fig. 2



As shown in applicants' Fig. 2 and disclosed in applicants' specification, this may be done by first receiving image data (S101); storing the image data in a local volatile memory (S102); transmitting the image data to an external device such as an email server (S103); and recording the transmission information in a local non-volatile memory (S104). When printing is requested/started (S105) it is determined if the image data to be printed is stored in a local volatile memory (S106). If the image data is stored in the volatile memory (as it should be based on S102), an image is formed using the

stored data (S108). If the image data is not stored in the local volatile memory (perhaps as a result of a power outage or other event), image data is acquired (S107) from the external device that it was transmitted to in S103. The data is then again stored in the local volatile memory (S107) and printed (S108). Accordingly, the image data does not need to be stored in a local non-volatile memory.

Neither Ueda nor Hino discloses "a transmission step for transmitting the acquired image data to the external apparatus so that the acquired image data is stored in both the storage apparatus and the storage unit," as recited in applicants' claim 17. Ueda, as recognized by the Examiner, only has a single local storage unit — RAM 13 — and therefore cannot disclose storing the image data in two memories at the same time. Hino, on the other hand, discloses storing the image data as a resource in a memory of an external device. Hino does not disclose or suggest that the same image data is also stored locally at an image processing apparatus. Hino actually teaches away from storing image data locally in order to improve the quality of printing. As explained at col. 1, line 7, through col. 2, line 29, Hino's system transmits URL links to an image processing apparatus. The apparatus then selects a link to the image data and initiates an external process that selects the appropriate resource for the apparatus based on printing capabilities. The image data from the selected link is then transmitted to the image processing apparatus as a video signal (S608 of Fig. 8) and printed (S609 of Fig. 8). Hino does not disclose or suggest that the image data is ever stored at the image processing apparatus as claimed.

Consequently, neither Ueda nor Hino discloses "executing the image processing using the image data stored in the storage unit if the judgment unit judges positively, and executing the image processing using the image data acquired by the second data acquiring step if the judgment step judges negatively," as recited in applicants' claim 17. Because neither reference discloses storing the same image data in separate memories, neither reference discloses executing image processing using image data stored externally only if the same image data is missing from the local storage.

Accordingly, a person of ordinary skill in the art at the time of applicants' invention would not have found it obvious to combine Ueda and Hino to achieve the claimed method or apparatus because the combination of those references would not result in the claimed method or apparatus. Claim 17 is allowable for at least this reason..

Additionally, the references fail to disclose or suggest several other features recited in applicants' independent claims. For example, the Examiner has cited CPU 12, depicted in Ueda's Fig. 1, as disclosing the "judgment unit that judges, prior to commencement of the image processing, whether the image data is stored in the storage unit," recited in applicants' claim 1. The Examiner further asserted that "The first judging means judges whether or not the intermediate code information corresponding to one page has been stored in the first storage area. Column 3, lines 51-60 and Column 27, lines 41-56." Applicants respectfully submit that the Examiner has misconstrued the disclosure of Ueda.

The first judging means of Ueda cannot possibly correspond to the claimed judgment unit of the present invention because it does not determine whether "the image data" is stored in the storage unit. The first judging means of Ueda determines whether the intermediate code memory 501 has overflowed with the one-page intermediate code information, rather than whether "the image data" that is currently desired by the printing system for printing is stored in the storage unit. In other words, the first judging means of Ueda only functions as a checking mechanism to determine whether the intermediate code memory 501 is full or not, whereas the claimed judgment unit functions as a comparison mechanism to determine whether the stored information in the storage unit corresponds to "the image data" that is currently desired by the printing system. Without an ability to compare what is stored in the storage unit to the image data desired for printing, the first judging means of Ueda cannot correspond to the claimed judgment unit.

Additionally, on pages 4-5 of the current action, the Examiner concedes that:

> Ueda '764 does not expressly disclose a transmission unit that transmits the acquired image data to the external apparatus so that the transmitted image data is stored in the storage apparatus thereof while the storage unit stores the acquired image data; second data acquiring unit that acquires the image data from the external apparatus if the judgment unit judges negatively, and an image processing unit that executes the image processing using the image data stored in the storage unit if the judgment unit judges positively, and executes the image processing using the image data acquired by the second data acquiring unit if the judgment unit judges negatively.

The Examiner instead relies on Hino's alleged disclosure of these features.

More specifically, Hino does not disclose or suggest "a transmission unit that transmits the acquired image data to the external apparatus so that the transmitted image data is stored in the storage apparatus thereof while the storage unit stores the acquired image data," as recited in claim 1. While the Examiner has identified the protocol controller 1101 of Hino as disclosing this feature, the Examiner appears to have misinterpreted the disclosure of Hino. Hino states at col. 5, lines 58-65, that:

> The protocol controller 1101 has a function for making the communications with the outside by analyzing and transmitting a network protocol. For example, when the HTTP (Hyper Text Transfer Protocol) is used, it acquires the document indicated by the URI or transmits the information to the Web server.

Contrary to the Examiner's assertion, this passage does not disclose that the protocol controller 1101 ever transmits acquired image data to an external apparatus as claimed. Instead, the protocol controller 1101 either receives image data or transmits URL information to a web server in order to acquire the desired image data. To the extent that the above quoted disclosure may be ambiguous, it is important to consider that Hino does not disclose or suggest any reason why the protocol controller 1101 would transmit acquired image data to an external apparatus. Because there is no reason for such a transmission, any ambiguity in the disclosure is resolved. Claim 1 is therefore allowable.

Hino also fails to disclose or suggest "an image processing unit that executes the image processing using the image data stored in the storage unit if the judgment unit judges positively, and

executes the image processing using the image data acquired by the second data acquiring unit if the judgment unit judges negatively," as recited in claim 1. While the Examiner is correct that process steps 602 is a positive/negative decision step and that step 609 is a printing step, this does not disclose or suggest the features of claim 1. Regardless of the outcome of step 602, the data conversion step 608 is performed on data stored in the page memory 1105, and print step 609 prints the converted data. Hino does not disclose or suggest that the resources collected in step 607 are not then stored in the same memory as the original image data is stored. Accordingly, the image processing in steps 608 and 609 is executed using the image data stored in page memory 1105 regardless of the decision made in step 602. Claim 1 is therefore allowable.

Because neither Ueda nor Hino discloses or suggests all of the features of claim 1, it would not have been obvious to one skilled in the art to modify either reference to achieve applicants' claimed invention. Independent claims 1, 17, and 18 are allowable for at least the above reasons. Claims 3-6, 11, 12, 15, 19 and 20 are allowable due at least to their respective dependencies.

Additionally, one skilled in the art would not have been motivated to combine either Ueda or Hino with any reference in which the printer sends acquired data from the printer. Ueda is directed to a system in which a host computer transfers printing data — one page at a time – to a printer. The printer then prints the single page before receiving the next page of printing data. There would be no benefit or reason for one skilled in the art to try and modify the device of Ueda to send each page of printing data back to the host computer, to then determine if the printer had saved image data, and to then include a separate data acquiring unit to re-acquire the printing data from the host computer, and then to execute image processing based on the printing data acquired through the separate data acquiring unit. The addition of such features serves no purpose in the system of Ueda. Consequently, it would not have been obvious to one skilled in the art to modify Ueda as suggested by the Examiner. Similarly, the system of Hino relates to a printer that collects data from other sources. There does not appear to be any reason that one skilled in the art would alter the system of

Hino to transmit acquired image data. Claims 1, 3-6, 11, 12, 15, and 17-20 are allowable for at least this reason as well.

Claims 2, 7, 10, 13, 14, and 21[1] stand rejected under 35 U.S.C. § 103(a) over Ueda and Hino in view of Kajita (U.S. Patent No. 6,069,706). Applicants respectfully traverse this rejection. Kajita, cited by the Examiner as disclosing a deletion instruction unit as well as other features recited in the dependent claims, fails to overcome the deficiencies of Ueda and Hino discussed above. Accordingly, claims 2, 7, 10, 13, 14 and 21 are allowable due at least to their respective dependencies.

Claims 8, 9, 16, and 22 stand rejected under 35 U.S.C. § 103(a) over Ueda, Hino[2], and Kajita in view of Iwazaki (U.S. Patent No. 6,687,742). Applicants respectfully traverse this rejection. Iwazaki, cited as disclosing an external apparatus that acts as a mail server (as well as other features recited in the dependent claims), fails to overcome the deficiencies of Ueda, Hino, and Kajita discussed above. Claims 8, 9, 16, and 22 are therefore allowable due at least to their respective dependencies.

In view of the above, each of the claims in this application is in condition for allowance. Accordingly, the Examiner is requested to withdraw the outstanding rejections of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the

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[1] Although page 10 of the Action identifies claim 22 as rejected, the rejection itself addresses claim 21 and not claim 22. Applicants therefore assume claim 21 was the intended claim.

[2] Although the Action does not identify Hino as being relied upon for this rejection, applicants note that claim 8 depends from claim 1 which was rejected only under a combination including Hino. Applicants therefore believe that the Examiner intended to rely on Hino for this rejection as well.

prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief, including extensions of time, and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **325772034700**.

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Respectfully submitted,

By _____

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